

REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. Applicant has amended Claims 38, 39, 43 49, 50 and 56 and added Claim 63. Applicant respectfully submits that no new matter has been added by these amendments. Thus, Claims 31, 32, 38-41, 43, 44, 49-52 and 56-63 remain pending in this application. This application has been carefully reviewed in light of the Official Action mailed August 4, 2005. Applicant respectfully requests reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 112

Claims 31, 32, 43 and 44 stand rejected under 35 U.S.C. § 112, first paragraph. Applicant respectfully submits that Claims 31, 32, 43 and 44 comply with 35 U.S.C. § 112, first paragraph.

The Examiner states that the claimed subject matter which was not described in the specification as to convey to one reasonable skilled in the art that the inventor at the time had possession of the claimed invention, specifically the Examiner states that the specification teaches that the secondary component is disabled, as described with respect to Fig. 3. Applicant respectfully disagrees and notes that this description is pertinent to Fig. 3, which is one particular embodiment of the invention, and disabling or enabling the secondary component in this context refers to disabling or enabling the secondary component with respect to interoperation with the primary component. The continued operation of both components though the secondary component is disabled with respect to the primary component, is supported by the specification.

Specifically, the last sentence of paragraph [0020] says that that if the comparison of the two identifiers indicates that a component is authorized to be used with the primary system, the primary system enables use of the component, otherwise the primary system operates as if the component is not available to it. Thus, the primary system operates without the component, however, the component itself may continue operating. Moreover, paragraph [0027] goes on to say that those components that were not identified as being authorized are not enabled and will not be used by the system. Thus, if the identifier of a component is not within a certain group of identifiers the component is deemed not to be authorized and it will not be used by the system. The component may, however, continue to operate and be utilized by other systems to which it is coupled, for example by a PCI bus.

Given the description contained in the specification it would have been within the capabilities of one of ordinary skill to enable a secondary component to continue operating though the secondary component is disabled with respect to a primary component. Accordingly, withdrawal of the rejection of Claims 31, 32, 43 and 44 under 35 U.S.C. § 112, first paragraph is respectfully requested.

Claims 38, 39, 43, 49, 50 and 56 stand rejected under 35 U.S.C. § 112, second paragraph. Applicant has amended Claims 38, 39, 43, 49, 50 and 56 at least in part to address these rejections. Applicant respectfully submits that no new matter has been added by these amendments. Accordingly, Applicant respectfully requests the withdrawal of these rejections.

Rejections under 35 U.S.C. §§ 102, 103

Claims 39 and 50 stand rejected as anticipated by U.S. Patent No. 6,661,236 ("Goers"), Claims 38, 48 and 56-58 stand rejected as obvious over U.S. Patent No. 6,661,236 ("Goers") in view of U.S. Patent No. 6,477,603 ("Locker"), Claims 40, 41, 51 and 52 stand rejected as obvious over U.S. Patent No. 6,661,236 ("Goers") in view of SBS Implementers Forum "System Management Bus (SMBus) Specification," while Claims 59-62 stand rejected as obvious over U.S. Patent No. 6,661,236 ("Goers") and U.S. Patent No. 6,477,603 ("Locker") in view of SBS Implementers Forum "System Management Bus (SMBus) Specification." Thus, Goers is the primary reference in each of these rejections.

Applicant respectfully traverses these rejections. More specifically, Applicant respectfully submits that the subject matter of Claims 31, 32, 38-41, 43, 44, 49-52 and 56-62 of the present application was invented prior to the effective date of the Goers reference.

The effective date of a U.S. patent, U.S. patent application publication, or international application publication under PCT Article 21(2), is the earlier of its publication date or date that it is effective as a reference under 35 U.S.C. 102(e). See 37 C.F.R. 1.131 Applicant notes that the effective date on which the Goers reference becomes available as prior art is the filing date of the U.S. Patent Application, namely, Oct. 23, 2001, not the filing date of the German Patent Application to which Goers claims priority. Applicant respectfully submits that the subject matter of the present application was invented before the Oct. 23, 2001 effective date of the Goers reference.

Mr. Bill Moody (an employee of Crossroads Systems, Inc.) conceived of the invention of the present application prior to Oct. 23, 2001, the filing date of the Goers U.S. Patent Application. More specifically, the invention of the present application was conceived of on or before May 23, 2001, as evidenced by the email and attachment sent by Mr. Moody on May 23, 2001. The attachment to the email of May 23, 2001 demonstrates a conception of the invention described and claimed in the present application. See, Declaration Under 37 C.F.R. 1.131 (the "Moody Decl.") ¶¶1-5, appended hereto as Exhibit 1. Additionally, the invention of the present application was subsequently reduced to practice by the filing, on December 28, 2001, of U.S. Patent Application No. 09/683,428, the present application at issue.

As the subject matter of the present application was conceived on or before May 23, 2001 and subsequently reduced to practice by the filing of a U.S. Patent Application on December 28, 2001; Applicant respectfully submits that the subject matter of the present application was invented prior to Oct. 23, 2001, the effective date on which the Goers reference is available as prior art under 35 U.S.C. 102(e). Consequently, Applicant respectfully submits that the Goers reference is not available as prior art under 35 U.S.C. 102 or 103, and respectfully requests the withdrawal of the rejections of Claims 31, 32, 38-41, 43, 44, 49-52 and 56-62.

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include an acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 31, 32, 38-41, 43, 44, 49-52 and 56-63. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

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Date: November 4, 2005

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